

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 1, 2005

DIVISION TWO

B175080 Rodriguez (Not for Publication)
 v.
 City of Los Angeles, et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

B176841 Castaldi (Not for Publication)
 v.
 Gunnell

The order appealed from is reversed and remanded for the trial court to reconsider this matter using the "clear and convincing" standard of proof. Each party shall bear his or her own costs of appeal.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B169332 Schmer, et al. (Not for Publication)
v.
Levinski

We affirm the order of the trial court granting the motion to vacate and denying the motion to strike. Schmer shall receive costs of appeal.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B179838 E. Lyn Lemaire and Vicki E. Pollock (Not for Publication)
v.
Superior Court, Los Angeles County
(University of Southern California, r.p.i.)

The petition for writ of mandate is denied. The motion for sanctions is granted. Lemaire is directed to pay real party in interest \$9,358.50. In addition, real party in interest shall recover its cost.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B170101 People (Not for Publication)
v.
Dylan Canada

The order under review is reversed as to appellant Dylan Canada and the matter is remanded for a hearing in accordance with the views expressed herein.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

March 1, 2005 (Continued)

DIVISION TWO (Continued)

B180960 In re Barry Annis (Not for Publication)
 on
 Habeas Corpus

Petition for writ of habeas corpus denied.

Boren, P.J.

We concur: Nott, J
 Doi Todd, J

B175555 Los Angeles County, D.C.S.
 v.
 Bridget C.

Filed order modifying opinion. (No change in the judgment)
And certifying opinion for publication.

DIVISION THREE

B178365 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Bobbie R.

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

March 1, 2005 (Continued)

DIVISION FOUR

B173048 People (Not for Publication)
v.
Gonzales

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.
Hastings, J.

B172302 White (Not for Publication)
v.
Finkbeiner

The orders appealed from are affirmed. Costs on appeal are awarded to respondents.

Hastings, Acting P.J.

We concur: Curry, J.
Grimes, J. (Assigned)

B171565 Donald E. Rinaldi, as Administrator, etc. (Not for Publication)
v.
Ebiner
Kern

The appeals are dismissed. Ebner is awarded costs on appeal. Ebner's request for sanctions and attorney fees on appeal is denied.

Curry, J.

We concur: Hastings, Acting P.J.
Grimes, J. (Assigned)

March 1, 2005 (Continued)

DIVISION FOUR (Continued)

B146321 Russomanno and Knowledge Booster, Inc. (Not for Publication)
B156708 v.
Russo et al.

The summary judgment entered in favor of Patrick Bowlen is reversed and the matter is remanded for further proceedings in accordance with the views expressed herein. The nonsuit entered in favor of Gold Coast is affirmed. The award of costs to Fox Children's Network is affirmed. Paragraphs 8, 9, and 10 of the judgment entered on September 14, 2000, awarding compensatory damages for economic loss, compensatory damages for emotional distress, and prejudgment interest on the compensatory damages for economic injury are hereby modified to reflect that Gianni Russo, Ricky Rocket Enterprises, Inc., Ricky Rocket Limited Partnership, Time Travelers, Inc., Time Travelers Limited Partnership, and Italo American International, Inc. are jointly and severally liable on that portion of the judgment. Paragraphs 11 through 19 of that judgment apportioning liability between the six defendants are stricken. Fox Children's Network's purported cross-appeal is dismissed for the reasons stated herein. The parties are to bear their own costs in this proceeding.

Hastings, Acting P.J.

We concur: Curry, J.
Grimes, J. (Assigned)

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. (Assigned) and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B180280 People v. Raymond Virgen
B180531 People v. Alan Devon (OSC RE DISMISSAL)
B174296 People v. Harold Kessee
B172630 People v. Geoff Proby
B177021 DCFS v. Theresa C.

March 1, 2005 (Continued)

DIVISION FIVE (Continued)

Each of the following (continued):

B180032 People v. Alfredo Garcia

Argument waived, cause submitted.

B177786 Nancy Knupfer
v.
Flagstar Bank

Merits:

Argued by Robert M. Dato for appellant and by Keith G. Wileman for respondent. Cause submitted.

B172453 Ronald Hockenberg
v.
Inglewood Unified School District

Merits:

Argued by Lawrence B. Trygstad for appellant and by Cathie L. Fields for respondent. Cause submitted.

B167565 Franklin Reinforcing Steel Co Inc.
v.
Joseph Kruss et al

Merits:

Argued by David T. Ward for appellant and by Richard A. Derevan for respondents. Cause submitted.

B178297 People
v.
Susan Howard

OSC re Dismissal:

Argued by Rene W. Sanz for appellant and no appearance for respondent. Cause submitted.

March 1, 2005 (Continued)

DIVISION FIVE (Continued)

B168775 Law Offices of James L. Blancarte
 v.
 Steve Werner

Merits:
Argued by Robert Lipcomb for appellant and no appearance for respondent. Cause submitted.

B177077 People
 v.
 Yoshiyuki Fujimura

Merits:
Argued by Donald M. Re for appellant and by Steven D. Matthews, Deputy Attorney General for respondent. Cause submitted.

B174452 Dennis H. Johnston
 v.
 Brian T. Corrigan et al.

Merits:
Argued by Mark Shoemaker for appellant and by Harry W.R. Chamberlain II for respondents. Cause submitted.

Court recessed 11:40 a.m.

Court reconvened at 11:00 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. (Assigned) and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B174624 People v. Rendell Batts
B175356 People v. Deon Knowles

Argument waived, cause submitted.

March 1, 2005 (Continued)

DIVISION FIVE (Continued)

B176467 People
 v.
 Ubaldo Martinez

Merits:
Argued by H. Russell Halpern for appellant and by Kenneth N. Sokoler,
Deputy Attorney General for respondent. Cause submitted.

B176103 People
 v.
 Jonathan T.

Merits:
Argued by Lynette Gladd Moore for appellant and by Susan Lee Frierson,
Deputy Attorney General for respondent. Cause submitted.

B174281 American Manufacturers et al.
 v.
 Carlos Gonzalo Rodriguez

Merits:
Argued by George Phillip Soares for appellants and by Stephen Acker for
respondent. Cause submitted.

Court recessed: 12:10 p.m.

Court reconvened at 1:00 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. (Assigned) and Zaida G.
Heraldez, Deputy Clerk.

Each of the following:

B175297 People v. Tom Smith
B174457 Hagendorf v. Seelig

Argument waived, cause submitted.

March 1, 2005 (Continued)

DIVISION FIVE (Continued)

B169470 Mary Robbins
v.
Cooperative Extension U.C.L.A.

Merits:
Argued by Derek L. Tabone for appellant and by Alan R. Zuckerman for respondent. Cause submitted.

B168206 Roll International Corp.
v.
Unilever United States

Merits:
Argued by S. Thomas Todd for appellant and by Lawrence B. Gutcho for respondent. Cause submitted.

Court adjourned.

B175723 Los Angeles County, D.C.F.S.
v.
George N.,
In re Peyton N.

Filed order denying petition for rehearing. Armstrong, J. would grant rehearing.

DIVISION SIX

B174577 People (Not for Publication)
v.
Barba

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

March 1, 2005 (Continued)

DIVISION SIX (Continued)

B173352 People (Not for Publication)
v.
Carson

We reverse the true findings on the prior serious felony conviction allegations and remand for retrial of the prior serious felony conviction allegations. The judgment is otherwise affirmed, with directions to the trial court to amend the abstract of judgment by striking 1) the one-year prior prison term enhancement (§ 667.5, subd. (b); 2) the one-year arming enhancement (§ 12022, subd. (a)(1); and 3) the order that appellant provide physical samples under section 296. The amended

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B175269 Los Angeles County, D.C.S. (Not for Publication)
v.
David D.

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B177908	City of Los Angeles v. Animal Defense League
B177909	City of Los Angeles v. Animal Defense League
B177909	City of Los Angeles v. Vlasak

Filed order consolidating the above appeals under appeal number B177908.

DIVISION SEVEN (Continued)

B168171 Rio Vista Associates et al.
B169608 v.
Hartford Casualty Insurance Company et al.

Filed order modifying opinion. (No change in the judgment)

Each of the following:

B177070 Los Angeles County, D.C.S. v. Glenn K.
B168494 People v. Sluch

Filed order denying petition for rehearing.

DIVISION EIGHT

B179117 Rosalinda G. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Depart. Of Children & Family Services et al., r.p.i.)

The petition is granted. Let a peremptory writ of mandate issue, directing the respondent juvenile court to vacate its November 8, 2004 order terminating reunification services and setting the matter for a section 366.26 permanency planning hearing. The juvenile court is further ordered to immediately schedule a review hearing to evaluate M.G.'s status since the November 8, 2004 hearing. Unless the juvenile court determines, in light of new information since November 8, 2004, that return of M.G. to her mother's care would create a substantial risk of detriment to M.G.'s safety, protection, or physical or emotional well-being, the court shall order that she be returned to her mother. This opinion is final forthwith as to this court pursuant to rule 24(b)(3) of the California Rules of Court.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.